

1 Gregg McLean Adam, No. 203436  
Jonathan Yank, No. 215495  
2 Gonzalo C. Martinez, No. 231724  
Jennifer S. Stoughton, No. 238309  
3 **CARROLL, BURDICK & McDONOUGH LLP**  
Attorneys at Law  
4 44 Montgomery Street, Suite 400  
San Francisco, CA 94104  
5 Telephone: 415.989.5900  
Facsimile: 415.989.0932  
6 Email: gadam@cbmlaw.com  
jyank@cbmlaw.com  
7 gmartinez@cbmlaw.com  
jstoughton@cbmlaw.com

8  
9 Attorneys for Plaintiff  
San Jose Police Officers' Association

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SANTA CLARA

12  
13 SAN JOSE POLICE OFFICERS'  
ASSOCIATION,

14 Plaintiff,

15 v.

16 CITY OF SAN JOSE, BOARD OF  
17 ADMINISTRATION FOR POLICE  
AND FIRE DEPARTMENT  
18 RETIREMENT PLAN OF CITY OF  
SAN JOSE, and DOES 1-10,  
19 inclusive,

20 Defendants.

No.

**[PROPOSED] ORDER TO SHOW CAUSE  
REGARDING PRELIMINARY INJUNCTION  
AND**

**[PROPOSED] TEMPORARY RESTRAINING  
ORDER**

21  
22 To Defendants CITY OF SAN JOSE and BOARD OF ADMINISTRATION FOR  
23 POLICE AND FIRE DEPARTMENT RETIREMENT PLAN OF CITY OF SAN JOSE:

24 Based upon the San Jose Police Officers' Association's *Ex Parte* Application  
25 for a Temporary Restraining Order and Order to Show Cause why a Preliminary  
26 Injunction Should not Issue Prohibiting Implementation of Measure B Sections 1509-A  
27 and 1511-A through 1513-A, Memorandum of Points and Authorities in Support of *Ex*  
28 *Parte* Application, Declarations of Jonathan Yank, Mike Albin, Tina Boales, Damian

CBM-SF\SF552574

1 Bortolotti, Edward Conover, Ian Cooley, Devlin Creighton, Dan Ichige, Robert  
2 Imobersteg, Rob Millard, Eric Navarro, Laurence Ryan, Franco Vado, as well as on the  
3 argument of the parties made by counsel at hearing on \_\_\_\_\_, 2012 in  
4 Department \_\_\_\_, the following are ordered by the Court:

5 **ORDER TO SHOW CAUSE**

6 Defendants City of San Jose and Board of Administration for Police and Fire  
7 Department Retirement Plan of City of San Jose (“Respondents”) ARE HEREBY  
8 ORDERED TO SHOW CAUSE at \_\_\_\_\_(time) on \_\_\_\_\_, 2012, or  
9 as soon thereafter as counsel may be heard in Department \_\_\_\_ of the above-entitled Court,  
10 located at \_\_\_\_\_, San Jose, CA, why you, your agents,  
11 servants, assigns and all those acting in concert with you should not be preliminarily  
12 enjoined, pending trial of this action, from implementing or otherwise giving effect to  
13 Section 1509-A, Section 1511-A, Section 1512-A, and Section 1513-A of Measure B.

14 This Order to Show Cause and supporting papers shall be served on  
15 Defendants no later than \_\_\_\_\_, 2012, by \_\_\_\_\_ (manner of  
16 service). Proof of such service shall be filed and delivered to the court hearing the Order  
17 to Show Cause on \_\_\_\_\_, 2012. The following briefing schedule shall apply:  
18 Any return on the OSC shall be filed and hand-served on Plaintiff no later than  
19 \_\_\_\_\_ [time] on \_\_\_\_\_, 2012. Any reply papers shall be filed and  
20 served on Defendants no later than \_\_\_\_\_ [time] on \_\_\_\_\_, 2012.

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TEMPORARY RESTRAINING ORDER**

PENDING HEARING on the above Order to Show Cause, Defendants and their agents, servants, assigns and all those acting in concert with them ARE HEREBY RESTRAINED AND ENJOINED from implementing or otherwise giving effect to Section 1509-A, Section 1511-A, Section 1512-A, and Section 1513-A of Measure B.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court  
Santa Clara County